

ORDINANCE NO. 2007 -034

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TEXT OF THE **INTRODUCTION AND ADMINISTRATION ELEMENT** (TO REVISE THE DEFINITION OF A LIMITED URBAN SERVICE AREA); THE **FUTURE LAND USE ELEMENT** (TO DELETE THE SCIENTIFIC COMMUNITY OVERLAY; TO MODIFY THE DESCRIPTION OF A LIMITED URBAN SERVICE AREA (LUSA)); AND THE **MAP SERIES** (TO REVISE MAP LU 1.1, MANAGED GROWTH TIER SYSTEM, AND MAP LU 2.1, SERVICE AREAS, TO DELETE THE SCIENTIFIC COMMUNITY OVERLAY AS A LUSA; TO REVISE MAP LU 3.1, SPECIAL PLANNING AREAS, TO DELETE THE SCIENTIFIC COMMUNITY OVERLAY); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners adopted amendments to the 1989 Comprehensive Plan in 2004 to facilitate the location of the Scripps Research Institute at the former Mecca Farms site in north-central Palm Beach County; and

WHEREAS, these amendments included a provision that the Palm Beach County Board of County Commissioners would consider an amendment to return the Mecca Farms property to the Rural Residential 1 unit per 10 acres (RR-10) designation or another appropriate designation, should the Scripps Research Institute not move forward on the Mecca site; and

WHEREAS, the Scripps Research Institute was eventually located at the Abacoa/Briger site in the Jupiter area; and

WHEREAS, on March 13, 2007, the Palm Beach County Board of County Commissioners directed staff to take all actions necessary to repeal or amend, as appropriate, the Comprehensive Plan ordinances related to the Scripps approval on the Mecca Farms property; and

1 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on November 26,
4 2007, to consider adoption of the amendments; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners has
6 determined that the amendments comply with all requirements of the
7 Local Government Comprehensive Planning and Land Development
8 Regulations Act; and

9 **WHEREAS**, these amendments are consistent with the compliance
10 agreement entered into by Palm Beach County and the Department of
11 Community Affairs.

12 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
13 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

14 **Part I. Amendments to the 1989 Comprehensive Plan**

15 Amendments to the text of the following Element of the 1989
16 Comprehensive Plan are hereby adopted and attached to this Ordinance
17 in Exhibit 1:

- 18 **A. Introduction and Administration Element**, To revise the
19 definition of a Limited Urban Service Area;
20 **B. Future Land Use Element**, To delete the Scientific Community
21 Overlay; To modify the description of a Limited Urban
22 Service Area;
23 **C. Map Series**, To revise Map LU 1.1, Managed Growth Tier
24 System, and Map LU 2.1, Service Areas, to delete the
25 Scientific Community Overlay as a Limited Urban Service
26 Area (LUSA); To revise Map LU 3.1, Special Planning Areas,
27 to delete the Scientific Community Overlay; and
28 **D. Amending all elements as necessary for internal**
29 consistency.

30 **Part II. Repeal of Laws in Conflict**

31 All local laws and ordinances applying to the unincorporated area
32 of Palm Beach County in conflict with any provision of this ordinance
33 are hereby repealed to the extent of such conflict.

1 **Part III. Severability**

2 If any section, paragraph, sentence, clause, phrase, or word of
3 this Ordinance is for any reason held by the Court to be
4 unconstitutional, inoperative or void, such holding shall not affect
5 the remainder of this Ordinance.

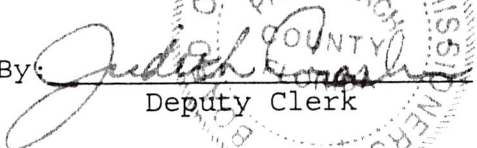
6 **Part IV. Inclusion in the 1989 Comprehensive Plan**

7 The provision of this Ordinance shall become and be made a part
8 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
9 Ordinance may be renumbered or relettered to accomplish such, and the
10 word "ordinance" may be changed to "section," "article," or any other
11 appropriate word.

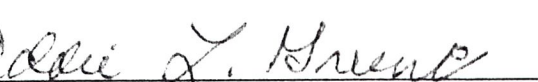
12 **Part V. Effective Date**

13 The effective date of this plan amendment shall be the date a
14 final order is issued by the Department of Community Affairs or
15 Administration Commission finding the amendment in compliance in
16 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
17 applicable. No development orders, development permits, or land uses
18 dependent on this amendment may be issued or commence before it has
19 become effective. If a final order of noncompliance is issued by the
20 Administration Commission, this amendment may nevertheless be made
21 effective by adoption of a resolution affirming its effective status,
22 a copy of which resolution shall be sent to the Florida Department of
23 Community Affairs, Division of Community Planning, Plan Processing
24 Team. An adopted amendment whose effective date is delayed by law
25 shall be considered part of the adopted plan until determined to be
26 not in compliance by final order of the Administration Commission.
27 Then, it shall no longer be part of the adopted plan unless the local
28 government adopts a resolution affirming its effectiveness in the
29 manner provided by law.

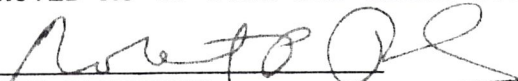
30 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
31 Beach County, on the 26th day of November, 2007.

32
33 ATTEST:
34 SHARON R. BOCK, Clerk
35
36
37 By:  Deputy Clerk
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 PALM BEACH COUNTY, FLORIDA,
 BY ITS BOARD OF COUNTY COMMISSIONERS

 By:  Addie L. Greene, Chair

1
2 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
3

4 
5 COUNTY ATTORNEY

6
7 Filed with the Department of State on the 4th day of
8
9 December, 2007.
10

EXHIBIT 1

A. Introduction and Administration Element

REVISIONS: To delete changes made to the definition of a “Limited Urban Service Area” to facilitate location of The Scripps Research Institute at the Mecca Farms site.

1. Revised Definition

LIMITED URBAN SERVICE AREA - Regions of the County which do not receive the full compliment of urban services. Typically, limited urban service areas receive only urban levels of service for sanitary sewer and potable water service ~~A geographic area outside the Urban Service Area which may receive a full complement of urban levels of service. A Limited Urban Service Area (LUSA) is not required to have an underlying Tier designation.~~

B. Future Land Use Element

REVISIONS: To delete provisions related to locating The Scripps Research Institute facility at the Mecca Farms site, and creating the Scientific Community Overlay.

1. Revised FLUE Policy 1.2.1-k.

Planned Industrial Park Developments may be permitted in the Industrial or Economic Development Center future land use categories, to accommodate and promote cluster industries, manufacturing, research, development, other value added activities and support uses. Other uses, such as hotels, offices, commercial, institutional, and residential that serve the projected workforce and residential population and/or encourage internal automobile trip capture shall be permitted, along with accessory uses. ~~For property designated PIPD within the Scientific Community Overlay as authorized by Objective 2.8 and its implementing policies, the uses specified in the Overlay shall control in the event of a conflict between those specified in this policy and those in the Overlay.~~

2. Revised FLUE Table 2.1.3.

TABLE 2.1-3: OVERLAY SERIES

Overlay	Tier	Reference
Revitalization and Redevelopment (R/R-O)	Urban Suburban Tier	Sub-Obj. 1.2.3
Westgate/Belvedere Community Redevelopment Area (WRCAO)	Urban/ Suburban Tier	Sub-Obj. 1.2.4
Palm Beach International Airport (PBIA-O)	Urban/ Suburban Tier	Sub-Obj. 1.2.5
Glades Area Economic Development (GA-O)	Glades Tier	Sub-Obj. 1.6.1
Sugar Cane Growers Cooperative of Florida Protection Overlay (Sugar Cane Grower Cooperative-O)	Glades Tier	Sub-Obj. 1.6.2
United Technologies (Pratt and Whitney-O)	None	Objective 2.7
Scientific Community Overlay	None	Objective 2.8
Bioscience Research Protection Overlay	Urban/Suburban Tier and None	Objective 2.10
Glades Area Protection Overlay	West of L-8: Glades Tier East of L:8: None	Objective 2.9
Native Ecosystem	Countywide All Tiers	Objective 5.2
John D. MacArthur Beach State Park Greenline	Urban/ Suburban	Objective 5.3
Jonathan Dickinson State Park Greenline	Urban/ Suburban	Objective 5.4
Turnpike Aquifer Protection (TAPO)	Urban/ Suburban	Objective 5.5

3. Revised FLUE Policy 2.2.4-a

2. Economic Development Center (EDC): The EDC category shall be primarily utilized by office and research parks, and shall permit the following uses: manufacturing, assembly of products, processing, office, research and development, and wholesale distribution and storage of products. ~~For property designated EDC within the Scientific Community Overlay as authorized by Objective 2.8 and its implementing policies, the uses specified in the Overlay shall control in the event of a conflict between those specified in this policy and those in the Overlay.~~

4. Revised FLUE Policy 2.2.4-b

A Planned Industrial Park Development District (PIPD) is an economic activity center primarily designed to accommodate and promote manufacturing research, development, other value-added activities and support uses. Uses such as hotels, offices, commercial and institutional that serve the projected workforce and residential population and/or encourage internal automobile trip capture shall be permitted, along with accessory uses. Residential uses may be permitted within a PIPD provided: 1) recreation to meet the needs of the residential population is provided; and, 2) a balanced mix of land uses is provided to meet the needs of the projected work force and residential population. ~~For property designated PIPD within the Scientific Community Overlay as authorized by Objective 2.8 and its implementing policies, the uses specified in the Overlay shall control in the event of a conflict between those specified in this policy and those in the Overlay.~~

5. Revised FLUE Policy 2.6-f

Potential receiving areas shall be inside the Urban/Suburban Tier and ~~Scientific Community Overlay~~ and shall include:

1. Planned Development Districts (PDD) and Traditional Development Districts (TDD) that are requesting an increase in density above their current limits; and,
2. Subdivisions requesting a bonus density above the standard land use designation density.

6. Revised FLUE Policy 2.6-g

In order to encourage eastward development and a tapering off of density towards the western edge of the Urban/Suburban Tier and support development within the Urban/Suburban Tier in the Glades, or to protect rural residential areas by concentrating needed housing units where urban residential future land use designations already exist, bonus densities may be applied for as follows:

1. Inside the Urban/Suburban Tier and west of the Florida Turnpike, up to 2 du/acre additional;
2. Inside the Urban/Suburban Tier, but not in the Revitalization and Redevelopment Overlay, up to 3 du/acre additional;
3. In the Revitalization and Redevelopment Overlay, up to 4 du/acre additional; and,
4. ~~Inside the Scientific Community Overlay, up to 2 du/ac.~~
5. In the Urban/Suburban Tier in the Glades area: (a) But not in a Revitalization and Redevelopment Overlay, up to 3 du/acre additional; or (b) In a Revitalization and Redevelopment Overlay, up to 4 du/acre additional.

7. Revised FLUE Objective 2.8

OBJECTIVE 2.8 Scientific Community Overlay:

~~This Overlay shall provide an array of services designed to allow for functional interaction with the predominant science and technology based uses. The Overlay implements a unique opportunity for Palm Beach County to incorporate a regional economic development initiative providing a functional mix of uses. Palm Beach County shall provide for research, development and manufacturing activities contained within a sustainable community through the creation of the Overlay. The Overlay shall require an integrated mix of uses that provide common support and promote economic development while preserving and enhancing natural resources. It is through the incorporation of other uses, such as residential, commercial, institutional and recreational, that a science and technology based community will be formed.~~

in the Scientific Community Overlay, the rules and property development regulations governing densities and intensities of the Urban/Suburban Tier shall apply. The Overlay will consist of two future land use categories: Economic Development Center (EDC) and Low Residential, 2 units per acre (LR-2). The maximum densities and intensities for each category shall be consistent with those established in Table 2.1.1 "Residential Categories and Allowed Densities" and Table 2.1.2 "Maximum Floor Area Ratios (FARs) For Non-Residential Future Land Use Categories and Non-Residential Uses".

Policy 2.8-a: The Scientific Community Overlay, generally described as the area east of the J.W. Corbett Wildlife Management Area and Seminole Pratt Whitney Road, north of the Acreage, south of Unit 11 and west of the City of Palm Beach Gardens, encompassing all of Sections 6 and 7 and the western portions of Sections 5 and 8, Township 42 Range 41, shall be depicted on the Future Land Use Atlas and the "Special Planning Areas Map" contained in the Comprehensive Plan Map Series.

Policy 2.8-b: The County shall designate the Scientific Community Overlay as a Limited Urban Service Area based on the mix of land uses and need for urban levels of service, while furthering the six principles of sustainable land use planning and development established in the Introduction of the Future Land Use Element. The boundaries of the Limited Urban Service Area shall be depicted on the "Service Areas Map" contained in the Comprehensive Plan Map Series.

Policy 2.8-c: The County shall adopt and implement design standards for all development in the Scientific Community Overlay (SCO), reflecting principles set forth under Objective 2.8 of the Future Land Use Element. These design standards shall, at a minimum, address the following issues:

1. Minimization of traffic impacts on roadways external to the SCO, as well as encouragement of transportation alternatives to the automobile by:
 - requiring a connected pathway, bikeway and multi-use trail system which shall connect all areas within the Overlay and providing for the use of low speed electric vehicles within the SCO;
 - encouraging bicycle use by requiring a number of bicycle racks related to the number of dwelling units;
 - requiring slip roads along PGA Boulevard;
 - requiring designation of at least 5% of the ULDC required parking spaces within each parking area exclusively for low speed electric vehicles;
 - providing for incentives for employees who make work trips by modes of transportation other than single occupant vehicles;
 - providing a range of workforce housing to help maximize internal trip capture;
 - developing a significant portion of the area to include a block design with multiple pathways, including alleys, allowing for reduced trip lengths and trip dispersion;
 - designing each residential neighborhood to have shaded pedestrian connections to the Pedway system and to open spaces, parks, plazas and other public areas; and
 - requiring all residential development to include covered and garage parking for low speed electric vehicles for use in commuting within the SCO.
2. Provision of areas of mixed use development by:

- clustering uses to promote the intellectual exchange between researchers, scientists and others in the workforce;
- establishing locations for land use pods of light industrial, commercial, recreation/civic and residential based on use, site constraints, functional relationships and overall design;
- adopting design standards for each type of pod to further the intended character and use with them and complementing one another in order to achieve a cohesive development with a functional and enjoyable environment;
- creating an urban, pedestrian-oriented environment with a mix of uses;
- clustering residential uses to achieve high net densities and to promote integration of mixed uses;
- providing educational opportunities for the surrounding residential and workforce uses; and
- providing residential opportunities in close proximity to workplaces, business, retail, shopping, personal services, recreation and educational facilities.

3. Requiring that urban development allowed by the Overlay have a defined edge and include a mixed-use Town Center which will serve as a central core for the Overlay and will:
 - encourage mixed-use compact development that is pedestrian in scale;
 - co-locate commercial, transportation, office, laboratory research, educational and residential uses for the daily needs of the residents and workforce;
 - provide attainable housing opportunities;
 - encourage walking, biking and other modes of non-vehicular transportation to reduce the need for local automobile trips; and
 - provide a safe and efficient circulation system for pedestrians, non-motorized or low-speed vehicles and emphasize connectivity within and to adjacent uses.
 4. Protection of conservation lands to the north and west of the SCO and include a passive recreational wetland system to enhance the quality of surrounding areas of environmentally sensitive lands.
 5. Encouraging "green building" techniques and materials that are energy- and resource-efficient.
 6. Compatibility with, and minimization of impacts on, land uses adjacent to the SCO.
 7. Provision of sufficient open space for residents, employees and visitors of the SCO integrated with a campus setting for research and development.
 8. Ensuring that uses within the Overlay are functionally integrated with one another.
 9. Provision of mass transit facilities and discouragement of single-use vehicular travel by requiring that a transit master plan is prepared through consultation between Palm Tran, FDOT and Palm Beach County and provides for:
 - a fixed route commuter (Palm Tran) system serving the site from the surrounding area;
 - continued coordination for an on-site, community-based shuttle-trolley circulator system;
 - an Intermodal Center to accommodate for Palm Tran buses and community shuttles;
 - parking and transit strategies to be included in site plans for development pods or parcels in order to maximize access to transit and community shuttles, use of pedestrian facilities, shared parking and car-pooling; and
 - locational and design standards for parking lots and garages to enhance pedestrian travel.
 10. Appropriate development regulations (setbacks, buffers, parking, etc.) and street design to create areas of differing development types (mixed-use, campus style, cohesive neighborhoods) that are functional and integrate effectively with one another.
- Compliance with the adopted design standards shall be included as a condition of approval in any development order issued for development inside the SCO.
- Policy 2-8-d: In order to ensure an appropriate land use balance, each phase of the DRI development order inside the SCO shall include a balanced share of the proposed residential and non-residential uses. If an amendment to the DRI development order results in a reduction of residential units, research and development square footage, retail square footage or square footage for educational facilities for any phase by 30% or more, the Board of County Commissioners shall initiate an amendment to rebalance the land use mix within the SCO.
- Policy 2-8-e: In five year increments from the effective date of any future land use amendment within the SCO, and at the end of each phase of any Development of Regional Impact development order issued within the SCO, the Planning Division shall review the absorption rate for research and development uses in the SCO. Upon completion of this review, the BCC may initiate an amendment to reconsider any minimum or maximum densities or intensities allowed by the future land use amendment.
- Policy 2-8-f: If the Scripps Research Institute does not move forward on the Mecca site, Staff shall bring to the BCC for initiation proposed amendments to consider removing any text and maps related to the Scientific Community Overlay from the Comprehensive Plan.

8. Revised FLUE Objective 3.3 Limited Urban Service Area.

~~Palm Beach County shall allow for a mix of urban and rural levels of service in the Limited Urban Service Area. A full complement of urban levels of service are allowed within Limited Urban Service Areas (LUSAs), while still remaining outside the Urban Service Area and the Urban/Suburban Tier. This allows urban levels of service necessary to support uses in a LUSA, while continuing to discourage urban levels of service for residential uses in areas that lie between the Urban Service Area and a LUSA. A LUSA is not required to have an underlying Tier designation.~~

Designation of an area as a LUSA shall be based upon consideration of the following factors:

- The need for the proposed facilities;
- The ability of the proposed facilities to meet policy goals coupled with a demonstration of significant relative advantages of the area of the proposed LUSA over possible sites within the Urban Service Area; and
- The extent to which the designation would allow for significant public benefits, such as major economic development or environmental benefits.

9. Revised FLUE Policy 3.3-a:

The following are designated as Limited Urban Service Areas:

1. the area described as the United Technology - Pratt and Whitney Overlay;
2. the area defined as the General Aviation Facility/ North County Airport;
3. the Agricultural Reserve; and
4. areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation;
5. ~~the area described as the Scientific Community Overlay;~~
6. the area east of the SFWMD L-8 Canal within the Glades Area Protection Overlay.

The LUSA shall be depicted on the Service Areas Map in the Map Series upon designation through a Plan amendment. ~~In the United Technology - Pratt and Whitney Overlay, the General Aviation Facility/North County Airport, and the Scientific Community Overlay, the rules and property development regulations governing densities and intensities of the Urban/Suburban Tier shall apply.~~

The official boundaries of each LUSA shall be depicted on the Service Areas Map in the Map Series.

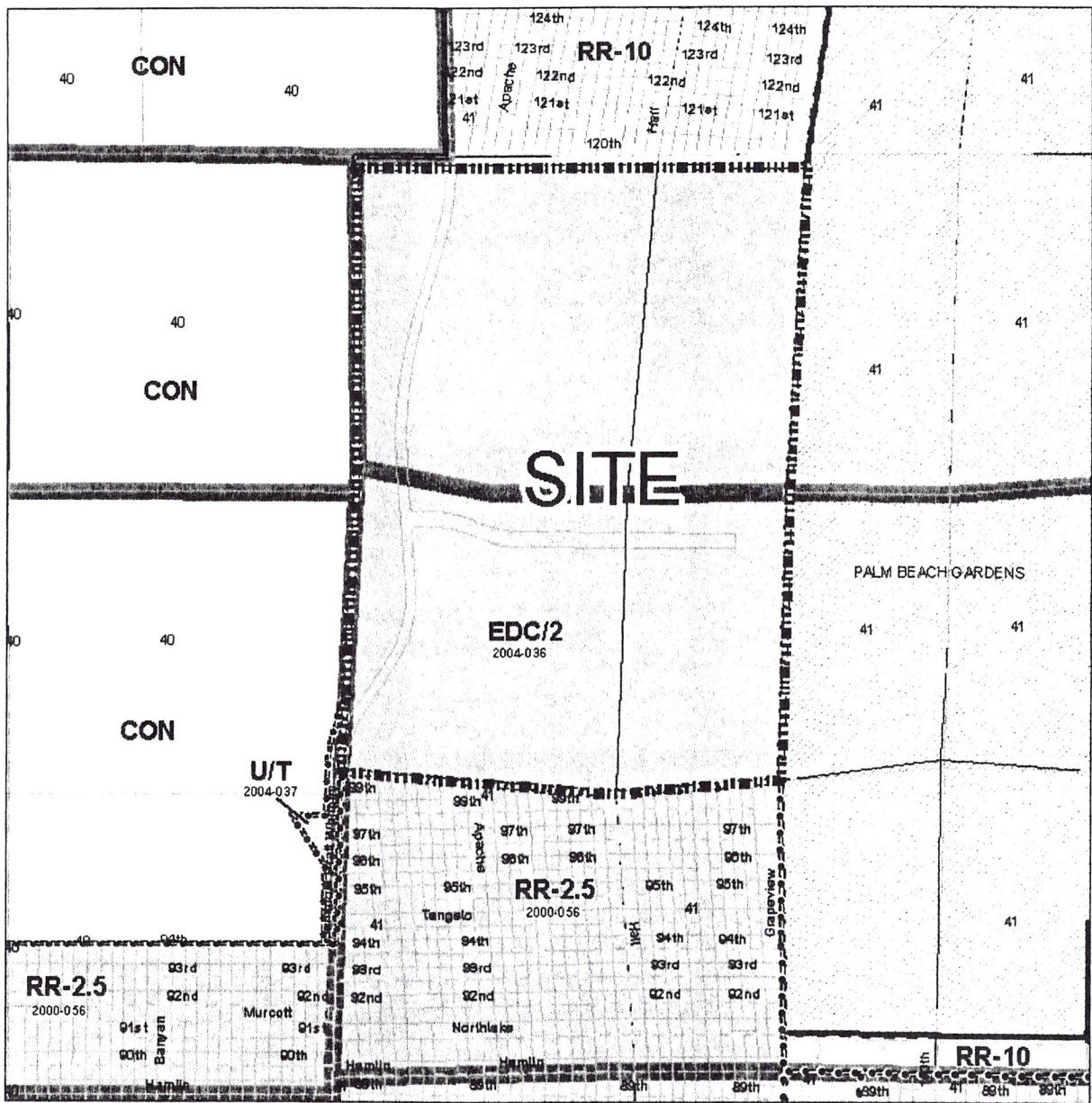
10. Revised III. Implementation, E. Overlays

~~Scientific Community Overlay~~

~~The purpose of the Scientific Community Overlay is to allow for research, development, manufacturing activities and support services within a sustainable community. The Overlay shall permit an integrated mix of land uses that promotes economic development and protects and enhances the natural resources of the region. The mix of uses shall include residential, commercial, institutional and recreational, as well as science and technology uses.~~

C. Map Series, Scientific Community Overlay

REVISIONS: To delete the Scientific Community Overlay Limited Urban Service Area (LUSA) on Map LU 1.1, Managed Growth Tier System, and Map LU 2.1, Urban Service Areas. To delete the Scientific Community Overlay on Map LU 3.1, Special Planning Areas. The affected site is depicted below:



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on November 26, 2007

dated at West Palm Beach, FL on 12/11/07
By: Diane Brown
Deputy Clerk

